

EXHIBIT 6

Hunters Capital, LLC v. City of Seattle

30(b)(6) Thomas Mahaffey

Page 1		Page 3	
UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE		DEPOSITION OF THOMAS MAHAFFEY EXAMINATION INDEX	
HUNTERS CAPITAL, LLC, et al.,) Plaintiff,) vs.) No. 20-cv-00983-TSZ CITY OF SEATTLE,) Defendant.)		EXAMINATION BY: PAGE 30(b)(6) Examination by Mr. Weaver 6 Non-30(b)(6) Examination by Mr. Weaver 73	
VIDEOTAPED VIDEOCONFERENCE 30(b)(6) DEPOSITION UPON ORAL EXAMINATION OF CITY OF SEATTLE (THOMAS MAHAFFEY)		EXHIBIT INDEX EXHIBITS FOR IDENTIFICATION PAGE Exhibit 1 Amended Notice of Videotaped 8 Deposition Pursuant to FRCP 30(b)(6) to City of Seattle Exhibit 2 Email with attachment; 10 SEA-SPD_005983-984 Exhibit 3 June 29 Events Incident Action 25 Plan; SEA_00007766-787 Exhibit 4 June 24 Events Incident Action 32 Plan; SEA-SPD_007528-550 (CONFIDENTIAL) Exhibit 5 Email chain; SEA_00020853-858 33 Exhibit 6 Email; SEA_00022828-830 41 Exhibit 7 Seattle PD SuperForm; SEA_00156958- 45 960 Exhibit 8 Email; SEA_00000868-869 49 Exhibit 9 Printout of details related to 49 Exhibit 8 Exhibit 10 Excel spreadsheet 51 Exhibit 11 Email chain; SEA_00023588-589 58 Exhibit 12 Executive Order 2020-08; 63 SEA_00045264-268	
Seattle, Washington (All participants appeared via videoconference.) DATE TAKEN: JANUARY 26, 2022 REPORTED BY: CINDY M. KOCH, RPR, CCR, CCR #2357		EXHIBIT INDEX (Continuing) EXHIBITS FOR IDENTIFICATION PAGE Exhibit 13 Email; SEA_00036004-005 119 Exhibit 14 Email, July 4 Events Incident 156 Action Plan; SEA_00007505-545 Exhibit 15 Email chain; SEA-SPD_006803-804 167 Exhibit 16 Email chain; SEA_00028176-177 170 Exhibit 17 Email containing Executive Order 184 2020-08; SEA_00019316-319 Exhibit 18 Email chain; SEA_00021402-404 185 13 14 15 16 17 18 19 20 21 22 23 24 25	
Page 2		Page 4	
1 APPEARANCES 2 FOR PLAINTIFF: 3 TYLER S. WEAVER 4 Calfo Eakes LLP 5 1301 Second Avenue 6 Suite 2800 7 Seattle, WA 98101-3808 8 206.407.2237 9 tylerw@calfoeakes.com 10 FOR DEFENDANT: 11 SHANE P. CRAMER 12 ARTHUR W. HARRIGAN, JR. 13 Harrigan Leyh Farmer & Thomsen LLP 14 999 Third Avenue 15 Suite 4400 16 Seattle, WA 98104 17 206.623.1700 18 shanec@harriganleyh.com 19 arthurb@harriganleyh.com 20 JOSEPH G. GROSHONG 21 Seattle City Attorney's Office 22 701 5th Avenue 23 Suite 2050 24 Seattle, WA 98104-7095 25 206.684.8200 joseph.groshong@seattle.gov ALSO PRESENT: LINDSAY HITCHCOCK, videographer Buell Realtime Reporting, LLC * * * * *		EXHIBIT INDEX (Continuing) EXHIBITS FOR IDENTIFICATION PAGE Exhibit 13 Email; SEA_00036004-005 119 Exhibit 14 Email, July 4 Events Incident 156 Action Plan; SEA_00007505-545 Exhibit 15 Email chain; SEA-SPD_006803-804 167 Exhibit 16 Email chain; SEA_00028176-177 170 Exhibit 17 Email containing Executive Order 184 2020-08; SEA_00019316-319 Exhibit 18 Email chain; SEA_00021402-404 185 13 14 15 16 17 18 19 20 21 22 23 24 25	

1 (Pages 1 to 4)

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Hunters Capital, LLC v. City of Seattle

30(b)(6) Thomas Mahaffey

<p>Page 9</p> <p>1 Q. Okay. Is there anything else you understand 2 that you've been designated for, other than those 3 topics?</p> <p>4 A. No. To the best of my understanding, those are 5 what I've been designated to talk about.</p> <p>6 MR. CRAMER: And, Tyler, let me clarify 7 something.</p> <p>8 MR. WEAVER: Go ahead.</p> <p>9 MR. CRAMER: For 36, it's Subsection iii, as 10 that relates to SPD, which I think was probably obvious 11 and what you meant. We've also designated the chief for 12 37, and specifically each of the subtopics, but 13 primarily Subsection iv.</p> <p>14 MR. WEAVER: Okay. All right.</p> <p>15 MR. CRAMER: And that's the extent of it. 16 And I think that covers the topics that you wanted to 17 pursue at this point in the litigation with the City.</p> <p>18 MR. WEAVER: Thanks, Shane. That helps.</p> <p>19 BY MR. WEAVER:</p> <p>20 Q. So I'm going to try to keep this first part, 21 just for subject of -- sake of clarity, to the 30(b)(6) 22 topics. And can you -- I -- for the purpose -- let's 23 also set this for the purposes of the deposition, just 24 so that we're clear going forward and for the -- for the 25 transcript and the record.</p>	<p>Page 11</p> <p>1 BY MR. WEAVER: 2 Q. Okay. You should have something that's coming 3 up in the ex- -- that's coming up in the chat that's 4 marked Exhibit 2. Let me know when you've got it up.</p> <p>5 A. I have it.</p> <p>6 Q. Okay. So do you recognize this document?</p> <p>7 A. Yes, I do.</p> <p>8 Q. Okay. So was this a policy that you announced 9 for the police department on June 12, 2020?</p> <p>10 A. I wouldn't have characterized it as a policy. 11 It was just some direction given to officers.</p> <p>12 Q. Okay. This was a direction you gave to 13 officers in the police department on June 12, 2020; is 14 that right?</p> <p>15 A. Yes, that's correct. That's the date it was 16 sent out.</p> <p>17 Q. Okay. Do -- was -- and was this a modification 18 of -- from -- was this different than the normal 19 operating procedures within the area of Capitol Hill?</p> <p>20 A. Yes. Based on the circumstances we were 21 facing, I felt it was necessary to give some guidance to 22 officers.</p> <p>23 Q. What do you mean by the circumstances that you 24 were facing?</p> <p>25 A. There had been significant protests for the</p>
<p>Page 10</p> <p>1 What is your understanding of the term "CHOP" 2 as it relates to this case?</p> <p>3 MR. CRAMER: Objection. Form.</p> <p>4 A. Well, it's an acronym that I understand to mean 5 Capitol Hill -- I think is it occupied protest? I think 6 then zone was often found on the end of that. That's 7 what I relate to it as.</p> <p>8 BY MR. WEAVER:</p> <p>9 Q. Let me just go down a different -- a different 10 route.</p> <p>11 So in June of 2020, you were the -- you were 12 the assistant chief in charge of the patrol operations; 13 is that correct?</p> <p>14 A. That's correct.</p> <p>15 Q. Okay. Do you recall a point at which the 16 Seattle Police Department modified its 911 response 17 procedures within an area on Capitol Hill, roughly 18 around the area of Cal Anderson Park and the East 19 Precinct?</p> <p>20 A. I guess I'd ask what you mean by "modified."</p> <p>21 MR. WEAVER: Okay. Let me pull up a 22 document so that we can get on track here. Bear with 23 me. My apologies. I'm having a bit of technical 24 difficulties here.</p> <p>25 (Exhibit No. 2 marked.)</p>	<p>Page 12</p> <p>1 week prior to this. Now we have an area that has some 2 barricades placed around it. We're no longer in our 3 precinct. We had seen, and reports of, armed people at 4 this barricade.</p> <p>5 We'd actually had a lieutenant and a sergeant 6 that were confronted by armed people early -- earlier in 7 the week as well. So based on all that was going on, 8 some guidance was required for responses in the area to 9 keep officers and the public safe.</p> <p>10 Q. So let me ask you about -- first of all, what's 11 the Edward Sector?</p> <p>12 A. That is one of our patrol sectors. Each 13 precinct is divided into sectors. Edward Sector is in 14 the East Precinct, and the area generally covers in -- 15 the neighborhood we call Capitol Hill.</p> <p>16 Q. Okay. And let me ask you, on this document -- 17 first of all, did you -- who's Jason Verhoff?</p> <p>18 A. He is a lieutenant on the Seattle Police 19 Department.</p> <p>20 Q. And had you written this out for Mr. Verhoff, 21 or had you dictated it to him to be sent out?</p> <p>22 A. I don't recall specifically. So he was part of 23 the group -- command group in our operations center. 24 And as we're recognizing, then formulating plans to deal 25 with issues that come up, that was one of his</p>

3 (Pages 9 to 12)

Hunters Capital, LLC v. City of Seattle

30(b)(6) Thomas Mahaffey

Page 13

1 responsibilities, so he came up with this document. He
 2 may have come up with the verbiage, along with some
 3 other commanders -- I don't specifically remember how --
 4 and then it was disseminated.

5 **Q. Was this consistent with the directive that you
 6 had given him and the other officers?**

7 A. Sorry. I'm -- a directive to write this
 8 document?

9 **Q. Yes.**

10 A. So it was really -- we had a larger planning
 11 group there, so it's -- it wasn't just directed from me.
 12 So we would have a discussion about what are the
 13 circumstances we're facing, what do we have to respond
 14 to, and then what are the plans that we put in place to
 15 effect that response.

16 So it was collaborative, but I was the incident
 17 commander, so I ultimately had the final say on these
 18 things when they went out.

19 **Q. Okay. Who was part of the planning group that
 20 you were discussing?**

21 A. There was a lot of people involved. I mean, a
 22 lot of people rotating through, but Lieutenant Verhoff I
 23 remember was there, I believe, Captain Grenon was one of
 24 the leads, Captain Grossman, Lieutenant Barden. But we
 25 were running the operation 24 hours a day, so we had

Page 15

1 don't recall any specific guidance that was given,
 2 just -- this was a situation we'd never faced before, so
 3 I think we were trying to determine appropriate
 4 guidelines as responses as we're going on, based on what
 5 was occurring on the ground.

6 **Q. You mentioned armed people at some barricades.
 7 Can you describe to me a little bit more about what you
 8 meant about armed people?**

9 MR. CRAMER: Objection. Form.

10 A. Yeah, I meant -- specifically, I recall early
 11 on, we're talking about the first days particular stand
 12 out in my mind of June 8th, of the event was being
 13 livestreamed on video that I and others were watching in
 14 our operations center, and they showed people armed with
 15 assault weapons on the first night, the 8th, at certain
 16 intersections.

17 Then the following morning, I got a briefing
 18 from Captain Sano and Sergeant Geoghan about walking
 19 back to the precinct, trying to determine what the
 20 situation was, and they were -- had conversation with
 21 several people that were armed with handguns.

22 BY MR. WEAVER:

23 **Q. And you mentioned the operations center. Where
 24 is the operations center located?**

25 A. It's located in the West Precinct, which is in

Page 14

1 shifts of command people coming through, so there was a
 2 lot of people involved.

3 **Q. Do you -- was Chief Best involved in the
 4 discussions regarding this new directive?**

5 A. At some point she was. I don't specifically
 6 remember on the 12th when that may have occurred.

7 **Q. Okay. Were the discussions that we talked
 8 about on the 12th, or did they happen before the 12th?**

9 A. I don't recall specifically when they happened.
 10 It appears the 12th is when the written guidance came
 11 out.

12 **Q. Had there been guidance that wasn't written
 13 prior to the 12th?**

14 A. If there was, I don't recall.

15 **Q. Prior to -- so as I understand it, the police
 16 department evacuated personnel from the -- the East
 17 Precinct on the evening or afternoon of June 8, 2020; is
 18 that correct?**

19 A. June 8th, yes, correct.

20 **Q. So between June 8th and June 12th, do you know
 21 what the practice was with regard to responding to 911
 22 calls in the Edward Sector?**

23 A. Really, our best recollection is, we were
 24 trying to find exactly what was going on and how it was
 25 going to impact our responses. But as I said before, I

Page 16

1 downtown Seattle, around 8th Avenue and Virginia Street.

2 **Q. And what live feeds were you watching?**

3 A. They were open source social media feeds. I
 4 don't know exactly what -- which platform they were
 5 using, but it was livestream broadcast on social media.

6 **Q. Okay. So these would have been feeds of
 7 individuals that -- who were at the scene who were
 8 broadcasting it live over the internet?**

9 MR. CRAMER: Objection. Form. Foundation.

10 A. That would be my understanding of what was
 11 happening, yes.

12 BY MR. WEAVER:

13 **Q. So these were not official police feeds of any
 14 sort; is that right?**

15 A. Correct.

16 **Q. Going back to Exhibit 2, I'd like to ask you
 17 some questions about the paragraph that is -- that
 18 starts with "Red zone," and it has that in bold.**

19 **Do you see that?**

20 A. I do.

21 **Q. Okay. Is red zone a term that's often used
 22 within the Seattle Police Department? Does it have a
 23 particular technical usage?**

24 MR. CRAMER: Objection. Form.

25 A. No. This is the first I'm aware of it being

Hunters Capital, LLC v. City of Seattle

30(b)(6) Thomas Mahaffey

Page 21

1 reporter. I'm sorry. Did you say that didn't involve a
2 firearm?

3 MR. WEAVER: Didn't involve a firearm, yep.

4 THE COURT REPORTER: Okay. Thank you.

5 MR. CRAMER: Same -- form.

6 A. In the context of this, no. And again, I would
7 want the officers to not not respond, to consider a plan
8 before responding to that type of event, based on all
9 the factors that they had to deal with during this time.

10 BY MR. WEAVER:

11 Q. **How about kidnapping? Would that be a mass**
12 **casualty event?**

13 MR. CRAMER: Same objection.

14 A. No. But again, it would not be something we
15 wouldn't respond to. We'd just want to have a
16 considered and thoughtful response to it.

17 BY MR. WEAVER:

18 Q. **How about a firing of a weapon where nobody was**
19 **hit? Would that be a mass casualty event?**

20 MR. CRAMER: Same objection.

21 A. No, it wouldn't.

22 BY MR. WEAVER:

23 Q. **How about property damage? Would that be a**
24 **mass casualty event?**

25 MR. CRAMER: Form.

Page 21

1 zone to evaluate the feasibility of a police response
2 and develop a plan.

3 Do you see that?

4 A. Yes.

5 Q. Okay. So was the plan that when the police
6 department learned of a mass casualty event within the
7 red zone, that there would be -- rather than responding
8 immediately to that call, there would be a gathering of
9 police outside the red zone to discuss whether it was
10 feasible to enter the red zone?

11 MR. CRAMER: Objection. Form.

12 A. Is that discussion whether it's feasible, then
13 to form the response? Could the officers do it with the
14 resources they had there? Did they need more
15 assistance, additional resources? Again, just being
16 thoughtful as to ensure both their safety and the
17 public's safety, which is our critical role.

18 BY MR. WEAVER:

19 Q. So during that period of June 8th to June 30th,
20 was there a particular staging area that the police
21 department was using for this sort of activity?

22 A. No. It was incident dependent on where it was
23 happening, but I think our protocols and the way we
24 train are to determine a staging area that makes it both
25 safe to respond to the event and muster resources as

Page 22

1 A. Property destruction, no. Not unless it was
2 putting somebody's -- or many people's lives in danger
3 potentially.

4 BY MR. WEAVER:

5 Q. Okay. How about fires that were not structural
6 fires? Would those be considered a mass casualty event?

7 MR. CRAMER: Same objection.

8 A. Potentially, if it was endangering or -- a
9 significant amount of lives, if there were injuries
10 associated with it, potentially, yes.

11 BY MR. WEAVER:

12 Q. Okay. How about a loud disagreement involving
13 a large group of individuals carrying rifles, but not
14 firing them? Would that be considered a mass casualty
15 event?

16 MR. CRAMER: Objection. Form.

17 A. No. But again, it would still require
18 consideration of how we're going to respond to that,
19 based on what the dynamics of the situation were and
20 what we were learning about it.

21 BY MR. WEAVER:

22 Q. So I'd like to ask you about the next sentence
23 in red zone. If responding to a mass casualty event --
24 incident, sorry -- within the red zone, all responding
25 officers should muster with a supervisor outside that

Page 22

1 well. So it can be fluid.

2 Q. So I think you indicated that you -- you think
3 that this directive changed or was clarified later in
4 the month of June 2020. Is that what I understood you
5 to say?

6 MR. CRAMER: Objection. Form.

7 A. My recollection, I think the wording of -- of
8 mass casualty event was changed to more directly reflect
9 the goals that we were trying to achieve with this.

10 BY MR. WEAVER:

11 Q. What were the goals that you were trying to
12 achieve?

13 A. To respond to events within the red zone, but
14 to do it in a way that ensured that our officers could
15 do so safely, without inflaming any of the groups or
16 factions that were inside the red zone that were opposed
17 to any type of police presence within the area. That
18 had to be a consideration that we -- that we took in,
19 so...

20 Q. Were you concerned that there would be violence
21 that would impact the safety of officers if you
22 responded within the red zone?

23 A. Yes, that was a concern.

24 Q. And what was that -- what was that concern
25 based on?

Page 23

Page 23

6 (Pages 21 to 24)

Hunters Capital, LLC v. City of Seattle

30(b)(6) Thomas Mahaffey

Page 25

1 A. Everything we went through from probably about
 2 May 29th through June 7th: the nightly protests,
 3 assaults against officers, explosive devices, rocks,
 4 bottles, assaultive actions towards officers, kind of
 5 all that, you know, seven or eight days coalesced in the
 6 planning for responses into the CHAZ or CHOP, again, to
 7 try and prevent any more interaction in a negative way
 8 between police and citizen groups unless it was
 9 absolutely necessary, and that we did it in a thoughtful
 10 and considerate way, to try and avoid confrontation or
 11 use of force.

12 Q. Okay. On the second page of Exhibit 2, there's
 13 a -- there's a map with a shaded area on it.

14 A. Yes, I see that.

15 Q. Is that a depiction of the area that was to be
 16 considered the red zone?

17 A. That's correct.

18 Q. Do you know whether the boundaries of this red
 19 zone changed between June 8th and June 30, 2020?

20 A. To my recollection, it did not change. They
 21 stayed as is depicted on this map for that period.

22 MR. WEAVER: Okay. I'd like to drop another
 23 document into the chat. We'll mark it as Exhibit 3 when
 24 I get it up here.

25 (Exhibit No. 3 marked.)

Page 27

1 A. Yes.

2 Q. What is your understanding of the difference
 3 between a mass casualty event and a critical life safety
 4 emergency?

5 MR. CRAMER: Objection. Form.

6 A. Again, I don't know if it's so much a
 7 difference, the two events. I think it's just
 8 clarifying the -- you know, like I said before, I think
 9 the wording before, I think we were trying to give an
 10 example of what people go to.

11 I think we're just trying to clarify it better,
 12 that if anybody or any individual's safety or life was
 13 in danger, that we had to again think thoughtfully about
 14 how we were going to respond into the zone to that
 15 situation, to render police assistance.

16 BY MR. WEAVER:

17 Q. Okay. So in Exhibit 2, which refers to a mass
 18 casualty event, it says, "e.g., active shooter incident
 19 and structural fire likely to endanger human lives,
 20 etc."

21 Do you see that?

22 A. Yes.

23 Q. Is it your understanding that that was meant to
 24 define what a mass casualty event was?

25 MR. CRAMER: Objection. Form.

Page 26

1 BY MR. WEAVER:

2 Q. Do you recognize this document?

3 A. Yes.

4 Q. What's an incident action plan?

5 A. It's the plans that we put out when we have a
 6 special event or a significant deployment of police
 7 officers, that generally is put together by our
 8 operations center, that kind of lays out what the
 9 situation is we're addressing for the particular event,
 10 and then what some of the objectives are for the
 11 incident, and then how the incident is organized, who is
 12 in command of various sections or subsections of the
 13 event for the response to it.

14 Q. Are these typically put out every day by the
 15 police department as a matter of regular course?

16 A. No. As I said, they're really just for special
 17 occurrences or events.

18 Q. Okay. I'd like you to go down to -- let me
 19 find the page here -- Page 15 of the PDF. It has a
 20 Bates number of 7780 at the bottom.

21 A. I am on that page.

22 Q. Okay. Now, it appears that the wording as of
 23 this June 29th document had changed from "mass casualty
 24 event" to "critical life safety emergency"; is that
 25 correct?

Page 28

1 A. That was meant to provide a couple of examples,
 2 and was not meant to be all-inclusive.

3 BY MR. WEAVER:

4 Q. Okay. So if you go to Exhibit 3, Page 15, it
 5 looks like we have the same two examples as -- examples
 6 of a critical life safety emergency; is that correct?

7 A. Yes, that's correct.

8 Q. So I want to go through this again. And let me
 9 ask, you know, whether you understood these to be
 10 critical life safety emergencies within the meaning of
 11 this directive.

12 Kidnapping, was -- would that be considered a
 13 critical life safety emergency?

14 MR. CRAMER: Objection. Form.

15 A. Potentially, yes. I mean, kidnapping's going
 16 to be a very serious crime, and something that we need
 17 to definitely look at formulating a response to and
 18 addressing.

19 BY MR. WEAVER:

20 Q. How about rape?

21 MR. CRAMER: Same objection.

22 A. Again, just depending on the particular
 23 circumstances. Of course, race is a -- rape is a very
 24 serious crime and something that we would need to
 25 determine the appropriate response to, based on what the

Hunters Capital, LLC v. City of Seattle

30(b)(6) Thomas Mahaffey

Page 33

Page 35

1 specified -- specific? I don't who it was sent to
 2 directly.

3 MR. WEAVER: Okay. I'm going to drop
 4 another document in the chat. We're getting -- we're
 5 getting fast and furious on the -- on the documents
 6 already, so...

7 (Exhibit No. 5 marked.)

8 THE WITNESS: Okay.

9 BY MR. WEAVER:

10 Q. All right. So is this an email you sent on
 11 June 16th?

12 A. Just blow it up here a little bit.

13 Yes.

14 Q. Okay. So in the first sentence, you say, "For
 15 clarification, this is what I approved and was sent out
 16 department-wide last Friday," and then it appears to
 17 have the text of the email from Exhibit 2 down below,
 18 towards the bottom of the first page. Is -- am I
 19 understanding that correctly?

20 A. That appears correct, yes.

21 Q. Okay. So does that refresh you as to whether
 22 the Exhibit 2 was sent out to the entire department?

23 A. That's what I said in the email. But like I
 24 said, I don't -- specifically I don't recall who it was
 25 sent out to, but that's what I'm saying in this email,

1 were IAPs being sent out with the wording of "mass
 2 casualty event."

3 Does that help you remember at all when it
 4 was -- when the wording was changed to "critical life
 5 safety emergency"?

6 MR. CRAMER: Objection. Form.

7 A. It doesn't. I will say one thing, with IAPs,
 8 especially during this time, we were having -- the
 9 operations center was having to produce so many,
 10 sometimes getting the language caught up or getting
 11 things changed, because of everything else that was
 12 going on from the planning perspective, sometimes they
 13 weren't as timely as they could have been, with getting
 14 changes put into them.

15 BY MR. WEAVER:

16 Q. Was it your understanding that there was any
 17 difference in the -- in the substance of the directive
 18 between the directive that used the term "mass casualty
 19 event" and the directive that used the term "critical
 20 life safety emergency"?

21 A. Sorry; I'm not quite following your question
 22 there.

23 Q. Okay. Was the change from "mass casualty
 24 event" to life -- "critical life safety emergency" meant
 25 to convey a change in department policy or directive?

Page 34

Page 36

1 yes.

2 Q. Okay. So I'd like to go back to Exhibit 4,
 3 which is the June 24th IAP. And if you could scroll
 4 down to -- I think it may be 15 of this one as well.
 5 So -- yes, it's 15. I'm sorry. It's 16. Bates
 6 No. 7543.

7 This appears to have similar language to what
 8 we've been talking about, but it uses the term "mass
 9 casualty event" rather than "critical life safety
 10 emergency."

11 Do you see that?

12 A. Yes.

13 Q. So this was June 24th of 2020. Does this
 14 refresh you at all as to when there might have been a
 15 change to the wording of "critical life safety
 16 emergency"?

17 MR. CRAMER: Objection. Form.

18 A. Sorry. You said Exhibit 4 says mass casualty
 19 event, or am I on the wrong exhibit or --

20 BY MR. WEAVER:

21 Q. I believe it does, on Page 16, if you -- you
 22 can look at it, yourself.

23 A. I'm looking at Exhibit 4, and it's -- says
 24 "mass casualty event" on Page 16.

25 Q. Okay. So it appears that on June 24th there

1 A. No. Again, I think it was just meant to
 2 clarify the wording, and really the -- the premises that
 3 we were operating under, I think it just -- and the
 4 things that we were briefed kind of every day, I think
 5 it was just providing more clarity.

6 Q. And I'd like you to go to the bottom of the
 7 last page on Exhibit 4. This again is a map showing
 8 the -- what's -- what were the boundaries of the red
 9 zone; is that right?

10 A. Correct.

11 Q. And were those the same that they had been in
 12 the directive that went out department-wide on June 12th
 13 in Exhibit 2?

14 MR. CRAMER: Objection. Asked and answered.

15 A. Yes. They -- they look the same. I don't see
 16 any significant changes in either map.

17 BY MR. WEAVER:

18 Q. Let me ask you, with regard to -- and we can
 19 go -- we can go to any -- I guess go back up to 16 on
 20 Exhibit 4, Page 16.

21 A. Okay.

22 Q. Okay. So with regard to Edward Sector, it
 23 indicates that a required -- requires a four officer
 24 minimum response to all Edward Sector calls for service
 25 outside the red zone.

Hunters Capital, LLC v. City of Seattle

30(b)(6) Thomas Mahaffey

Page 37

1 **What does -- what did that mean?**2 A. For any response for police service, that we
3 were going to send, again, as it indicates, a minimum of
4 four officers to that call.5 **Q. So prior to June 2020, what was the minimum
6 response for a call in the Edward Sector?**7 A. It would depend on the type of call, again,
8 with -- what the actual details of the incident were.
9 But it could be as little as one officer for a
10 nonpriority event with no suspect on the scene, to many
11 multiple of officers for some type of ongoing life
12 safety emergency.13 **Q. So what -- what was the least number of
14 officers for a particular call that would be a minimum
15 required to respond to a call prior to June 2020?**16 A. The fewest would be one for a low priority
17 response.18 **Q. Okay. And during the -- during the pendency of
19 these directives in June of 2020, even those low
20 priority calls would still require a four officer
21 response? Is that correct?**

22 A. That is correct, yes.

23 **Q. And why was that?**24 A. Due to just the conditions that we hadn't faced
25 before, based on -- I will describe it as the negative

Page 39

1 **trying to keep the public safe by not responding to
2 calls, how was not responding to calls keeping the
3 public safe?**4 **MR. CRAMER: Objection. Form.**5 A. That's not what I mean by that. It's, again,
6 to -- we're responding to calls. It's just that we're
7 doing it in a way that allows us to provide service in
8 the best way that we can.9 We're just considering the -- again, the
10 unprecedented circumstances that we were facing at the
11 time, and the scrutiny, and threat to officer safety
12 that we were having to deal with.13 That's what the -- really considerations that I
14 had to -- to deal with at the time and how we were going
15 to still provide police services while dealing with all
16 these other issues that were swirling around us.
17 BY MR. WEAVER:18 **Q. So going back to Exhibit 5, in the second
19 paragraph of this email you sent on June 16th, you're
20 asking whether the -- first of all, you sent this to
21 Carmen Best, and then who's Christopher Fisher?**22 A. He was the chief's -- I believe his title was
23 strategic advisor.24 **Q. And you say, "Please let me know if this should
25 be altered or clarified in anyway if it is creating a**

Page 38

1 **feelings and animosity towards Seattle police officers
2 at that time that was particularly concentrated in that
3 area of the city.**4 Officers were going to seemingly routine calls
5 and being accosted by people seeking confrontation even
6 in routine situations. So again, in just working
7 through some of these unprecedented circumstances that
8 were dealt with, again, officer safety being the most --
9 the thing that was most foremost on my mind during this
10 period, we determined that this was the best course of
11 action to take.12 **Q. Okay. So within the Edward Sector, but outside
13 the red zone, were there cases in which there might be a
14 mass casualty event or a critical life safety emergency,
15 that it would be appropriate under your directive for
16 officers not to respond?**17 **MR. CRAMER: Objection. Form. Calls for
18 speculation.**19 A. No. But again, depending on the criticality of
20 the incident, I want them to formulate a thoughtful and
21 considered response before going in, again, to ensure
22 their safety, de-escalate, minimize the potential use of
23 force, and keep the public safe.

24 BY MR. WEAVER:

25 **Q. So when you indicate that it was -- you were**

Page 40

1 **messaging issue or confusion internally or externally."**
2 **Do you see that?**

3 A. Yes.

4 **Q. Do you remember asking for that, for any
5 clarification they wanted?**6 A. Reading this email, that -- now it's bringing
7 up I did ask that, yes.8 **Q. Do you recall whether either Chief Best or
9 Officer Fisher indicated that your policy should be
10 altered or clarified in any way?**

11 A. I don't specifically, no.

12 **Q. And you also indicate down below that,
13 "Depending" -- you were going to talk with
14 representatives from the City's department involved in
15 barricade removal, and that, "Depending on how that
16 operation went, I may be able to adjust the current
17 response protocol to the area."**18 **Do you recall whether the -- you adjusted the
19 current response protocol to the area after barricade
20 removal?**21 A. It wasn't adjusted because the barricades -- if
22 this is still June 12th, my recollection, the
23 barricades -- or June 16th, excuse me, the barricades
24 were not removed. So protocols were not adjusted.25 **Q. So the protocols were not adjusted until all**

10 (Pages 37 to 40)

Hunters Capital, LLC v. City of Seattle

30(b)(6) Thomas Mahaffey

Page 73

1 you, just Chief Mahaffey.
 2 BY MR. WEAVER:

3 Q. So I think we talked just briefly about the
 4 evacuation of materials and personnel from the East
 5 Precinct on the night of June 8th or the afternoon of
 6 June 8, 2020.

7 Was that your decision, to evacuate personnel
 8 from the East Precinct?

9 A. Ultimately, that was my decision, yes. I made
 10 it in -- I had consultation with my commanders I had
 11 working that day, but yes, ultimately, that decision
 12 was -- was mine.

13 Q. Did you make any consultation with Chief Best?

14 A. I did call her and let her know how we'd be
 15 proceeding that evening, yes.

16 Q. And you told Chief Best before you had --
 17 before the evacuation; is that correct?

18 A. Yes. I -- yes. Before we implemented the
 19 actual plan, yes, I let her know.

20 Q. Okay. And what was the basis for your decision
 21 to evacuate personnel from the East Precinct?

22 A. Well, there's a lot that went into that
 23 decision. It was not easily made. The overarching
 24 concern was, the need to de-escalate would have been
 25 going on the previous week, which was a constant focus

Page 75

1 officers directly to manage and address the crowd.
 2 So that was the course of action that I felt

3 was the best to prevent confrontation, to de-escalate,
 4 prevent injury, and keep police officers and the public
 5 safe.

6 Q. You said there was force used against officers
 7 by people who were protesting or who were mixed in among
 8 the protesters.

9 What sort of force was being used?

10 A. So there was physical body force consisting of
 11 pushing, shoving, punching. We also had objects thrown
 12 at us: rocks, pieces of cement, bottles, garbage.

13 Commercial grade fireworks were used on officers as

14 well.

15 And then we had reports of people in the crowd
 16 with Molotov cocktails, which is a bottle filled with
 17 gasoline with usually a rag soaked in some type of
 18 accelerant on top as well.

19 So those were some of the issues that we
 20 were -- we were dealing with. We'd also get reports of
 21 armed people in the crowd from time to time, but we did
 22 not have firearms directly used against police officers,
 23 thankfully.

24 Q. And so your expectation on June 8th, that that
 25 was probably going to keep happening regularly on the

Page 74

1 on the precinct by the protesters, to the point that the
 2 precinct had become inoperable.

3 We had nearly nightly clashes with protesters
 4 involving significant amounts of -- we had to use force
 5 to deal with the crowd. We had force used against us by
 6 the crowd.

7 We had officers injured. We had members of the
 8 protest crowd injured, and it was seemingly not going to
 9 end. So that was the overall goal, was to prevent any
 10 further clashes with the crowd and injuries to officers.

11 There was also concerns about the building
 12 being attacked and destroyed. We had information from
 13 the FBI. I knew that a precinct had been burned in
 14 Minneapolis, Minnesota, as a result of protests they had
 15 there. I had information other government buildings
 16 were being attacked.

17 So I had a great concern that based on what had
 18 been occurring the previous weeks, that the East
 19 Precinct would be another target, which, based on where
 20 it sits on the block, there's really only two ways in
 21 and out of it.

22 And overall, the -- that was my greatest
 23 concern, was keeping -- keeping people safe, and not
 24 being able to keep people in there, as we were not going
 25 to be able to use the tactics, which was using police

Page 76

1 night of June 8th and later; is that correct?

2 MR. CRAMER: Form.

3 Go ahead.

4 A. Continuing with our same deployment model, yes,
 5 I felt that was the likely -- likely outcome.

6 BY MR. WEAVER:

7 Q. So to what extent was the mayor's office or the
 8 mayor herself involved in discussions about what to take
 9 out of the precinct and when to take it out of the
 10 precinct?

11 MR. CRAMER: Objection. Form.

12 A. My recollection, I think sometime --

13 THE WITNESS: That wasn't me, I hope, on
 14 the -- on the --

15 MR. CRAMER: I think someone -- I think
 16 someone joined.

17 Go ahead.

18 I'm sorry. Tyler, do you want to re-ask it
 19 just so we're -- or have the court reporter read it
 20 back.

21 MR. WEAVER: I can ask it again.

22 BY MR. WEAVER:

23 Q. So to what extent was the mayor herself or the
 24 mayor's office involved in discussions about moving
 25 materials or people out of the East Precinct on

19 (Pages 73 to 76)

Hunters Capital, LLC v. City of Seattle

30(b)(6) Thomas Mahaffey

Page 77

1 **June 8th?**

2 MR. CRAMER: Same objection.

3 A. I don't know about the mayor's direct
4 involvement. There was some discussion with some of
5 other staff about having a plan in place, about if we --
6 about moving, what articles would have to be moved out
7 of the precinct potentially. I think that occurred on
8 June 7th or 8th.

9 BY MR. WEAVER:

10 **Q. So what were the discussions with the mayor's
11 staff about what should be moved out?**12 A. I'm sorry; you cut out in the last part of
13 that.14 **Q. What were the discussions with the mayor's
15 staff about what should be moved out of the precinct, I
16 think you said on either June 7th or June 8th?**17 A. I don't know if I'd characterize it as a
18 discussion. I think it was -- my recollection, it more
19 was asking for a plan about what items would have to be
20 taken out.21 **Q. Okay. What do you recall about those
22 discussions?**23 MR. CRAMER: Objection. Form. Misstates
24 testimony.

25 A. Just we were asked for some plans. I think it

Page 79

1 director level. I don't remember specifically, but that
2 would have been SDOT, I believe Fire Chief Scoggins was
3 there, potentially somebody from Public Utilities,
4 but -- so it was police, mayor's office, and some other
5 department heads.6 **Q. Okay. What were the nature of those
7 discussions? What was the topic of the discussions that
8 was going on there?**9 A. So on the night of the 7th, we had had another
10 significant incident involving the -- well, two, really.
11 The -- the evening had started out where a person had
12 driven a car down 10th Avenue from Pike Street, came out
13 of the car -- shot somebody, came out of the car, went
14 through the crowd. Police took them into custody. So
15 that started the evening.16 And then towards the end of the evening, we had
17 a significant removal of barricades that we had -- 11th
18 and Pine Street was kind of where we had the most
19 significant involvement nightly.20 We had -- I had ordered some better metal
21 fencing, what we thought would be better metal fencing,
22 but really, almost as soon as it was installed,
23 protesters were looking for ways to take it down.24 They had taken it down. There was an
25 encroachment on the precinct. All our attempts to

Page 78

1 was over email. I don't remember about that particular
2 topic specific face-to-face discussions that I was
3 involved in.

4 BY MR. WEAVER:

5 **Q. Okay. Were you in -- were you involved in
6 face -- face-to-face discussions on June 8th with
7 anybody from the mayor's office about the East Precinct
8 and the protests outside?**

9 A. Yes, I was.

10 **Q. Can you tell me about the nature of those
11 meetings and who was there?**12 A. Yes. There was a meeting in the Seattle
13 Emergency Operations Center at around noon on June 8th.
14 From the police department, Chief Best was there; I was
15 there; Assistant Chief Cordner, Assistant Chief
16 Nollette, Assistant Chief Diaz, Assistant Chief Hirjak,
17 I believe Assistant Chief Greening as well. So
18 essentially the entire -- we call it the command staff,
19 the sworn command staff, which is the chief and her
20 assistant chiefs.21 From the mayor's office was Deputy Mayor Fong;
22 Stephanie Formas, who's chief of staff; and Deputy Mayor
23 Sixkiller. Those are the three I remember.24 And then I think there were representatives
25 from some other City agencies there. They may have been

Page 80

1 de-escalate verbally had failed. We had reports of
2 people with firearms in the crowd.3 We ended up using some less lethal munitions to
4 disperse the crowd, making numerous arrests, having
5 officers and members of the public injured. That's the
6 night of -- into the early morning of June 7th and the
7 early morning of June 8th.8 And that leads to this meeting on the 12th to
9 discuss really what the plan would be, moving forward,
10 in an effort to avoid further conflict and confrontation
11 with the crowds that were gathering nightly around the
12 East Precinct.13 THE VIDEOGRAPHER: Mr. Mahaffey, would you
14 mind either leaning back or pushing your -- the audio on
15 the camera is having trouble. Thank you.

16 THE WITNESS: Sure.

17 BY MR. WEAVER:

18 **Q. So at any point during the conversations on the
19 8th that involved the deputy mayors and the chief of
20 staff Formas, do you recall there being a suggestion
21 from either the deputy mayors or Stephanie Formas that
22 the police should be -- the police should evacuate
23 personnel from the East Precinct?**

24 A. No, I don't recall her saying that.

25 **Q. Do you recall that there were discussions among**

20 (Pages 77 to 80)

Hunters Capital, LLC v. City of Seattle

30(b)(6) Thomas Mahaffey

Page 81

1 that group about whether to evacuate materials and
 2 evidence from the East Precinct on the -- on June 8th?
 3 MR. CRAMER: Objection. Form.
 4 A. Not specifically. But that would have been a
 5 concern of mine, that, you know, those items were in the
 6 precinct and were potentially vulnerable.

BY MR. WEAVER:

Q. Do you recall discussions with -- in these discussions on June 8th, any of the mayor's staff discussing that they wished to have the protesters be able to walk -- march by the East Precinct on the night of June 8th?

A. Yes. That was their preference, I guess, or how they wanted to proceed.

Q. And was it your concern that by allowing the protesters to walk by the precinct on the night of June 8th, that that would put the East Precinct and potentially officers at risk?

A. Yes. Based on what had occurred during the previous weeks, it was a -- certainly a significant concern of mine.

Q. Okay. So you mentioned that there were -- you had metal fencing in the area. What sort of barriers or barricades had been used in the week or so leading up to June 8th by the police department in that area?

Page 82

A. It started with what we call bicycle fencing, which is really fairly lightweight aluminum fencing. It's really more meant to either let people know, look, you can't come into this area, or to guide people in a certain direction.

So we'd start out with that, but it's -- it's very easily moved. It's -- it's not effective as a permanent or robust barrier. So we'd started with that, realized that wasn't going to work, and then by Sunday, the 7th, my preference or plan was, what we were scrambling to do was to try and place the more secured perimeter around the precinct, using barricades. It was just -- turned out to be very difficult to get something on a short notice.

So what we came up with on the day of the 7th is -- was some more fencing that was sturdier than the bicycle fencing, that wasn't easily pushed over. And it was -- it came from a company that does festivals and concerts.

So it -- it's only about waist high, but it's just not as movable, so people can't kind of push through it, ideally, in more -- or were -- in less dynamic and volatile circumstances.

But the shortcoming was, it -- with it was that it was -- you know, if you had the right tools, that you

Page 83

could dismantle it. So those are really the two types of barricades, physical barricades, that we'd used during the week.

Q. Do you recall whether you had any water-filled -- like large water-filled barriers that had been used either on June 8th -- on June 7th or June 8th by the precinct?

A. I remember those came at some point. I don't remember specifically when, though. But I -- at some point they were used.

Q. How about concrete barriers around the precinct? Do you recall any of those on June 7th or June 8th?

A. I don't.

Q. Were you in discussions with the department -- Seattle Department of Transportation on June 7th or June 8th about what sorts of barriers they might be able to provide?

A. I wasn't specifically, no. I believe -- my recollection is Assistant Chief Hirjak was at times acting as a conduit to them.

Q. And what was Chief Hirjak's position within the department as of June 2020, if you recall?

A. Assistant chief of -- I believe it was the Special Operations Bureau.

Page 84

Q. The Special Operations Bureau, you said?

A. Yes.

Q. What's the Special Operations Bureau?

A. They oversee more specialty response resources, SWAT team, harbor, the traffic unit. I believe they oversaw the special -- or yeah, police operations center, so SPOC at the time. That's what was -- example of some of the resources that were under that bureau.

Q. So when you made the decision to evacuate the East Precinct on June 8th of personnel and materials, what was your intent about when personnel and materials would return to the precinct?

A. Later that day or early the next morning.

Q. And was it -- was it your plan that after the protests had subsided on the night of June 8th, that the police department would repopulate, for lack of a better term, the East Precinct?

A. Yes.

Q. Did that happen?

A. No, it did not.

Q. Why not?

A. The protesters surrounded the building, and then stayed there, and then started setting up barricades around the area, without taking any aggressive action against the precinct, so peaceful

21 (Pages 81 to 84)

Hunters Capital, LLC v. City of Seattle

30(b)(6) Thomas Mahaffey

Page 85

1 protest at that time.

2 Then later in the evening, some of those
3 barricades started being manned by people who were
4 armed.5 Q. What sort of barricades were being used that --
6 that night, the night of June 8th, into June 9th?

7 MR. CRAMER: Objection. Form.

8 A. My recollection is a lot of makeshift
9 barricades. They'd used some of the fencing that they
10 had -- been taken apart. I believe dumpsters were used.
11 Kind of anything that could be found was kind of used in
12 the makeshift barricades.13 Maybe some of our -- I don't know if they had
14 any of our bicycle fencing, but I remember it was a lot
15 of -- they were improvised, for the most part, that I
16 recall.

17 BY MR. WEAVER:

18 Q. Do you recall seeing any vehicles being used as
19 barriers on that night?20 A. I don't know if specifically on that night, but
21 I know certainly at some point, if not that night, but
22 then certainly later on, vehicles were used.23 Q. And where -- where do you recall these
24 barricades -- were the barricades in the street? Were
25 they on the sidewalks? Where were the barricades on the

Page 87

1 watching this on live feedback at the SPOC; is that
2 correct?

3 A. Yes.

4 Q. Between June 8th and June 10th -- June 30,
5 2020, did you personally return to the East Precinct at
6 any point?

7 A. Yes, I did.

8 Q. When was that, or what times were that, if you
9 know?10 A. I believe it was -- the date -- it was either
11 June 11th or 12th, I went back to the East Precinct with
12 Chief Best and some other officers as well.13 Q. Was there any other time that you went back
14 there before July 1, 2020?

15 A. Not that I can recall, no.

16 Q. During the period of June 8th to June 30, 2020,
17 where were you working from primarily?

18 A. The Seattle Police Operations Center.

19 Q. At the West Precinct, I think we established;
20 right?

21 A. Yes, that's correct.

22 Q. How regularly were you monitoring live feeds of
23 what was going on in the red zone and around the East
24 Precinct?

25 A. Only occasionally I might view it, so there --

Page 86

1 night of June 8th and into June 9th?

2 A. Mainly my recollection is across the street.
3 They might have covered the sidewalks in some points
4 too.5 Q. Do you know what streets were blocked at that
6 point?

7 MR. CRAMER: Objection. Form.

8 A. My memory is the area around the precinct, so
9 12th Avenue, Pine Street, potentially 11th and Pine as
10 well. There may have been other directions covered as
11 well, but those are -- those are what stand out.

12 BY MR. WEAVER:

13 Q. And am I correct that at least initially
14 there -- you -- you saw that there were people guarding
15 the barriers, manning the barriers?

16 MR. CRAMER: Objection. Form. Vague.

17 A. I don't know if I'd classify it as initially,
18 but at some point that -- that did happen.

19 BY MR. WEAVER:

20 Q. Okay. And what did -- what did you observe
21 that might be called guarding or manning the barrier?22 A. People set up behind -- behind the barriers, I
23 think, monitoring them, and then at some point people
24 with weapons showing up as well.

25 Q. And just so I -- did you see this -- you were

Page 88

1 there was kind of a larger situation room that would
2 have the feeds up, but I maintained a -- a separate
3 office that I could work out of that didn't have the
4 feeds on them.5 So if I was passing through the room, I'd take
6 a look at them, but I had others whose responsibility
7 was to monitor those as part of their work.8 Q. Okay. So was there somebody monitoring those
9 feeds pretty much constantly during the period of
10 June 8th through June 30, 2020?11 A. That certainly we had access to feeds and
12 knowledge of them, and we would have somebody monitoring
13 them.14 Q. What was the situation -- can you just describe
15 for me the situation room you mentioned earlier?16 A. It's -- just call it the large room in the
17 operations center, where there's kind of a few rows of
18 workstations where we can put police personnel at to
19 work from.20 There's some kind of large projection-type TV
21 screens on the walls, where like the social media feeds
22 I'm talking about, or other information can be displayed
23 on them as well.24 So it's just kind of a large workroom when we
25 have an event going and the operation's occurring, where

Hunters Capital, LLC v. City of Seattle

30(b)(6) Thomas Mahaffey

Page 89

1 everybody is performing their task out of.

2 **Q. And was that dedicated to looking at the area**
 3 **around the red zone and the East Precinct during this**
 4 **June period, June 2020?**

5 A. Yes. And it was bigger than that. I mean, the
 6 operations center is the coordination point for all of
 7 our operations during this event. Since this was a
 8 significant deployment of personnel and resources, they
 9 were in charge of coordinating all of that.

10 **Q. And the live feeds were projected onto the --**
 11 **onto a screen there; is that correct?**

12 A. Generally, yes. That's when I was aware of
 13 them, there was a screen they were projected on.

14 **Q. So when did you -- when did you first learn**
 15 **that protesters had created barriers around the East**
 16 **Precinct and in the streets near the East Precinct on**
 17 **June 8th?**

18 A. When as in the time?

19 **Q. Yeah.**

20 A. My best recollection is that it was after dark.
 21 So this is late June, so it's 9:30, 10:00 p.m. is --
 22 that's what stands out in my memory, is it was -- the
 23 sun had gone down.

24 **Q. That time of year, we get a little -- oh. I'm**
 25 **sorry. Go ahead.**

Page 91

1 name who was the leader. I think it was Raz Simone, who
 2 would be back later that night. That's kind of a
 3 summary of what I remember that he reported to us.

4 **Q. What do you know or recall about Raz Simone?**

5 A. The night of the 8th -- he drove a very
 6 distinctive car. He had a white Tesla.
 7 African-American male. He showed up that night. I
 8 believe it was that first night, there was a video of
 9 him armed and talking about and distributing firearms.

10 **Q. What do you recall seeing about -- seeing with**
 11 **Mr. Simone distributing firearms?**

12 A. My recollection is him taking a firearm out of
 13 his car, talking to somebody about it, and hand- -- and
 14 handing it to them.

15 **Q. What kind of firearm was it, if you recall?**

16 A. My memory is that it was a -- that they were
 17 talking about a rifle, but I don't remember if he
 18 actually handed him a rifle or not. I don't recall the
 19 kind of specifics of that.

20 **Q. Do you recall whether it was one gun or more**
 21 **than one gun?**

22 A. My recollection is, it was just one.

23 **Q. Do you recall seeing on any other -- any of the**
 24 **other live feeds distribution of -- distribution of**
 25 **weapons on June 8th or June 9th?**

Page 90

1 MR. CRAMER: Can we go off for one minute?
 2 There was a note in the chat from the videographer that
 3 I want to deal with.

4 MR. WEAVER: Oh, yeah.

5 THE VIDEOGRAPHER: Going off the video at
 6 11:45.

7 (Discussion off the record.)

8 THE VIDEOGRAPHER: Back on the record at
 9 11:46.

10 BY MR. WEAVER:

11 **Q. Do you recall when you first learned that at**
 12 **least some people had declared an area around the East**
 13 **Precinct to be an autonomous zone?**

14 A. My recollection, hearing those words,
 15 autonomous zone, were the next morning, when I got the
 16 report from Captain Sano, so the morning of June 9th.

17 **Q. And forgive me for not remembering. Was**
 18 **Captain Sano one of the officers that went down to look**
 19 **and see what was going on that morning?**

20 A. Correct.

21 **Q. What else did he report to you on the morning**
 22 **of June 9th, if you recall?**

23 A. Well, my recollection is, he met with a couple
 24 of people that -- that there didn't really seem to be a
 25 leader present, and I think they mentioned the person's

Page 92

1 A. I don't.

2 **Q. So when was the decision -- well, who made the**
 3 **decision to not try to reenter the precinct on the night**
 4 **of June 8th or the morning of June 9th?**

5 MR. CRAMER: Objection. Form.

6 A. I don't know if it's a particular person.
 7 Certainly June 8th, the determination was made, the --
 8 the crowd was peaceful. They weren't taking any
 9 specific action against the precinct, so the decision
 10 was made to let that play out.

11 That's what -- my direction, when I went home,
 12 to Captain Sano, who was in command overnight, to make
 13 an effort to go back in the following morning to kind of
 14 determine what the -- the situation was, and if it was
 15 safe and feasible to do so.

16 BY MR. WEAVER:

17 **Q. So on the morning of June 9th, did you make the**
 18 **decision not to move personnel and materials back into**
 19 **the East Precinct?**

20 A. No. We got the report from Captain Sano, and
 21 then we started meeting internally about, you know, what
 22 our next steps were going to be. So if there wasn't a
 23 specific decision, other than Captain Sano said, okay,
 24 here's -- you know, very early in the morning, here's
 25 what we've encountered, here's what's going on, and then

23 (Pages 89 to 92)

Hunters Capital, LLC v. City of Seattle

30(b)(6) Thomas Mahaffey

Page 93

1 I took that information back to the chief and others on
 2 the command staff and started discussing what our next
 3 plans would be.

4 **Q. Okay. Tell me as much as you can about those**
 5 **discussions that you had with the chief and other**
 6 **personnel about the next steps to take.**

7 A. Well, it was collaborative effort, and
 8 ultimately the decision was going to be left to the
 9 chief. And my preference was to gather as much
 10 information as we could, determine if it was viable for
 11 us to move back in immediately, and then formulate a
 12 plan to sustain us being back in there, knowing that
 13 there would probably be pushback from crowds again that
 14 night on the precinct, so how were we going to sustain
 15 it if we got back -- back into the building.

16 So that's kind of what was at the forefront of
 17 my mind, that's what we talked about. And I think it
 18 was the chief -- don't remember specifically, but I
 19 think it was, you know, going to be in consultation with
 20 the executive branch, to start determining the next
 21 steps forward.

22 **Q. So by the "executive branch," you mean the**
 23 **mayor's office; is that correct?**

24 A. Yes.

25 **Q. Okay. Were you involved with discussions**

Page 95

1 A. At many of them, yes.

2 **Q. How about Sam Zimbabwe from the Department of**
 3 **Transportation?**

4 A. I remember either he or a designee were --
 5 would be involved in many of them.

6 **Q. And I think you mentioned the fire chief was**
 7 **there?**

8 A. Chief Scoggins, yes.

9 **Q. Okay. And then representatives from the**
 10 **mayor's office; correct?**

11 A. It seems like who I dealt with, with the
 12 mayor's office, was either Deputy Mayor Sixkiller, or
 13 Deputy Mayor Fong less so, and then Julie Kline, who was
 14 the public safety advisor.

15 **Q. How often were you in communication with Julie**
 16 **Kline during the month of June 2020 about what was going**
 17 **on, on Capitol Hill?**

18 A. Several times a week.

19 **Q. What were the nature of your communications**
 20 **with her during that time period?**

21 MR. CRAMER: Objection. Form. Vague as to
 22 "nature."

23 A. Yeah, I don't know if I can generalize about
 24 them. It was just about whatever the issue or topic was
 25 that we were having to deal with.

Page 94

1 between the Seattle Police Department and the mayor's
 2 office about whether the police department should try to
 3 reoccupy the East Precinct on June 9th?

4 A. Not that I recall specifically on that day, no.

5 **Q. Do you recall having those discussions with the**
 6 **mayor's office at any time after June 9th, during**
 7 **the month of June 2020?**

8 A. Yes. There was a very regular tempo of
 9 meetings involving the mayor's office, police, fire, a
 10 lot of other City agencies on a daily basis, and I was
 11 involved in many of those.

12 **Q. Okay. So would you say you were involved every**
 13 **day in those meetings, or was it just periodically?**

14 A. I don't know. I'm trying to be circumspect.
 15 It was certainly more than periodically. I just don't
 16 remember if it was every day, but it was -- I mean, I
 17 was working seven days a week, and there were frequently
 18 a variety of meetings every day that certainly involved
 19 the mayor's staff and others as well.

20 **Q. So who do you recall being in these meetings**
 21 **with the mayor's staff? I mean, it sounds like, you**
 22 **know, fire department, Seattle Public U- -- you know --**
 23 **give me -- I'll give you a list and you can tell me.**

24 So was -- was Seattle Public Utilities at this
 25 meeting -- at these meetings?

Page 96

1 BY MR. WEAVER:

2 **Q. During these meetings of the group that we**
 3 **talked about, or with Julie Kline specifically, do you**
 4 **recall having discussions about whether the police**
 5 **department could or should return to the East Precinct?**

6 MR. CRAMER: Objection. Form. Vague.

7 A. Yes, I'm sure that came up.

8 BY MR. WEAVER:

9 **Q. What was your personal opinion about whether**
 10 **the police department should attempt to reoccupy the**
 11 **East Precinct in June of 2020?**

12 MR. CRAMER: Objection. Vague as to time.

13 A. I was committed to getting us back in the
 14 building as soon as it was practical, safe, feasible,
 15 and something that we could sustain without having to
 16 get back into the tempo or the situation that we were in
 17 earlier the month -- earlier in the month.

18 That's the way I thought about it. Getting
 19 back in may have been feasible at some point, but there
 20 certainly would have been a force component, I think,
 21 associated with that in the early days.

22 And then as we saw, when we went back with
 23 Chief Best on June 11th, the sustainment was going to be
 24 something we'd have to spend time thinking through.

25 ////

24 (Pages 93 to 96)

Hunters Capital, LLC v. City of Seattle

30(b)(6) Thomas Mahaffey

Page 97

1 BY MR. WEAVER:

2 **Q. What happened on June 11th that you're**
 3 **referring to?**
 4 A. I believe that's the correct date. Chief Best
 5 and some -- myself and some other officers went back up
 6 to the precinct. We were able to go inside, inspect the
 7 building, make sure that it hadn't been broken into,
 8 nothing had been damaged or taken.

9 I think the thought is that we would remain
 10 there. We'd put some resources in the building, but
 11 then there was an attempt -- there was a fire lit out --
 12 outside of the building that made the officers feel
 13 unsafe.

14 They left, unfortunately, without notifying
 15 anybody until the next morning. And so then we didn't
 16 have any more resources in there, so again, it was the
 17 sustainment piece that was going to be difficult once
 18 we'd lost that foothold.

19 **Q. Okay. I just want to make sure I understood --**
 20 **understood what you said. So on June 11th, you went**
 21 **in -- and I think it was June 11th, but -- on June 11th**
 22 **or thereabouts, you went -- you went into the precinct**
 23 **with Chief Best and some other officers, with the goal**
 24 **of leaving some people manned at the precinct; is that**
 25 **correct?**

Page 98

1 A. That's accurate, yes.

2 **Q. And those officers left sometime thereafter**
 3 **because they were concerned for their safety; is that**
 4 **right?**

5 A. Yeah. A different team of officers actually
 6 came in late -- later in the afternoon or early evening
 7 and replaced those -- myself and others that had already
 8 been there throughout the day.

9 And then after midnight the next day, let's say
 10 that was the 12th, that's when an incident occurred that
 11 caused them to leave the building.

12 **Q. Okay. Were there other attempts to move**
 13 **personnel back into the East Precinct prior to July 1,**
 14 **2020?**

15 MR. CRAMER: Objection. Form.

16 A. Not -- no, not like that, that we just talked
 17 about, or there were no other efforts that I recall that
 18 were made after that initial one.

19 BY MR. WEAVER:

20 **Q. Okay. I want to go back to the discussions**
 21 **that we talked about earlier on June 8th, and I think --**
 22 **am I correct that you were having discussions between**
 23 **you and some of your subordinate officers about whether**
 24 **to evacuate personnel from the East Precinct? Is that**
 25 **correct?**

Page 99

1 A. On the 8th, yes, that's accurate.

2 **Q. And was there discussion, either among that**
 3 **group or with your later conversation with Chief Best,**
 4 **about what might happen if officers were not able to**
 5 **return to the East Precinct within 24 hours?**

6 A. No. We didn't consider that contingency. The
 7 thing -- the things that we thought would happen was,
 8 one, the people would march by and that would be it, and
 9 we'd move back in; or based on what I spoke to earlier
 10 about what had happened in Minneapolis, the information
 11 that we received from the FBI about government
 12 facilities and the precinct being a target, that there
 13 would be an effort to, you know, attack and destroy it
 14 potentially.

15 We thought the danger for fire was significant,
 16 for lighting it on fire, and that's what we had planned
 17 to address, not that the occupation, for lack of a
 18 better word, that occurred would happen. We didn't
 19 consider that as a contingency plan. So we -- we
 20 weren't -- we hadn't thought that through.

21 **Q. Were you aware, at the time you made your**
 22 **decision to evacuate the precinct on June 8th, that the**
 23 **mayor was considering whether to give the East Precinct**
 24 **to Black Lives Matter?**

25 MR. CRAMER: Objection. Form.

Page 100

1 A. I was not aware of that.

2 BY MR. WEAVER:

3 **Q. When did you first become aware of that?**4 MR. CRAMER: Same objection. Assumes
 5 evidence.

6 A. Sometime later on. I don't know if it was
 7 June or July. Chief Best had told me that there had
 8 been -- she was aware of a conversation between Black
 9 Lives Matter and the mayor's office about turning over
 10 the precinct.

11 BY MR. WEAVER:

12 **Q. Okay. What do you -- can you tell me anything**
 13 **else about that conversation you had with Chief Best**
 14 **about that?**

15 A. Yeah, I just remember being in her office. I
 16 don't know specifically what we were talking about. She
 17 told me -- Chief Best is very well connected to many
 18 communities in Seattle, especially the African-American
 19 community.

20 And she had told me that people that she knew,
 21 I believe -- my recollection is in the Black Lives
 22 Matter movement, had told her about conversations they
 23 had had -- I don't remember specifically with the mayor
 24 or her office -- about making the precinct -- turning it
 25 over to them and allowing it to be some type of a

25 (Pages 97 to 100)

Hunters Capital, LLC v. City of Seattle

30(b)(6) Thomas Mahaffey

<p style="text-align: right;">Page 101</p> <p>1 community center. That's my recollection of the 2 conversation.</p> <p>3 Q. Were you surprised to hear that?</p> <p>4 A. Yes, I could qualify it as surprised.</p> <p>5 Q. Okay. Is there another term you would use 6 rather than "surprised" for your reaction?</p> <p>7 A. I mean, there was just so -- there was just so 8 many things going on during this event, that I almost 9 would say I almost was numb during this point, through 10 working all the time and lack of sleep.</p> <p>11 I don't think anything was surprising me at -- 12 at this point, just recollecting on kind of that whole 13 month. But yes, there was al- -- always seemed to be 14 some type of issue arising, I guess.</p> <p>15 Q. Is it safe to say that you were always 16 interested in returning to the East Precinct and 17 returning personnel to the East Precinct as soon as it 18 was safe to do so?</p> <p>19 A. Absolutely. That was my goal from June 8th 20 onwards. That was what I was focused on doing.</p> <p>21 Q. And would you say it was a priority of yours 22 and the police department to move in -- move into the 23 precinct as soon as it was safe to do so?</p> <p>24 A. Yes, I would agree with that.</p> <p>25 Q. And why was that a priority, to move back into</p>	<p style="text-align: right;">Page 103</p> <p>1 ability to respond to the areas that were normally 2 covered by officers operating out of the East Precinct?</p> <p>3 MR. CRAMER: Objection. Form.</p> <p>4 A. We had to move everybody to the West Precinct, 5 but everybody was still able to cover their districts 6 and respond to calls for service, but just not out of 7 that building.</p> <p>8 BY MR. WEAVER:</p> <p>9 Q. Did the response times increase for calls that 10 were in the Edward Sector?</p> <p>11 A. Year over year, I don't recall a -- a specific 12 increase. We were having increases in response times 13 citywide at this point. I don't -- can't pinpoint it 14 directly back to Edward Sector having a significant 15 increase in response times.</p> <p>16 Q. Were you aware of Chief Best indicating at one 17 point, I believe during the first week after the police 18 had evacuated the precinct, that response times in the 19 area served by the East Precinct had tripled?</p> <p>20 MR. CRAMER: Objection. Assumes evidence -- 21 evidence not in the record.</p> <p>22 A. Did you ask if I was aware of her saying that?</p> <p>23 BY MR. WEAVER:</p> <p>24 Q. Yes.</p> <p>25 A. No. I don't recall that -- her saying --</p>
<p style="text-align: right;">Page 102</p> <p>1 the precinct?</p> <p>2 A. I mean, that's our facility. That's for 3 providing public safety services to the community, I 4 mean, not just to Capitol Hill, but to First Hill, the 5 Central District, other parts. That station had been 6 there since the 1980s, and just a response and public 7 safety component of it.</p> <p>8 Also my officers were out of -- were out of 9 their home. We were having to scramble to find them a 10 place to work out of. So I wanted to do that for them, 11 get them back in as soon as we could do so without 12 hopefully any more conflicts to do it, and no more of 13 the building being surrounded and rendered inoperative.</p> <p>14 So that was certainly, like I said, a goal from 15 June 8th, to make that a reality and make it happen.</p> <p>16 Q. Was that goal made clear by either you or other 17 members of the police department in any of these 18 meetings that you had with the executive branch and 19 heads of other departments?</p> <p>20 A. I'm sure it was. But as far as specific 21 instance or who did that, I -- I don't have any memory 22 of that, but I think that was -- that was everybody's 23 goal too. At least that's the way I -- I perceived it.</p> <p>24 Q. What effect did the evacuation of personnel 25 from the East Precinct have on the police department's</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. Do you recall any analysis that was done 2 internally about whether response times had gone up 3 after the evacuation of the East Precinct on June 8th?</p> <p>4 A. There may have been one done at that time. I 5 don't remember ordering one. And that would have, I 6 guess, not been data I could have collected, but it 7 certainly could have been. I don't specifically recall 8 it, though.</p> <p>9 Q. How would that data be collected, in your 10 understanding?</p> <p>11 A. So that would be taken from our -- our computer 12 dispatch system, which was able to collate that data, 13 make comparisons.</p> <p>14 Q. Do you recall, during the June 9th, 10th, or 15 11th time period, working with either Deputy Mayor 16 Sixkiller or Department of Transportation director Sam 17 Zimbabwe, or both, to try to move -- remove barriers 18 from around the East Precinct and the red zone?</p> <p>19 A. Not on those specific dates. But I know those 20 were topics that we discussed when it came to how would 21 we make the -- you know, if we -- to re-inhabit the 22 precinct, what were some of the things that had to 23 happen to make that viable.</p> <p>24 Q. So do you recall whether, in those first few 25 days after the precinct was evacuated, that there was an</p>

26 (Pages 101 to 104)

Hunters Capital, LLC v. City of Seattle

30(b)(6) Thomas Mahaffey

<p style="text-align: right;">Page 113</p> <p>1 confrontation or escalation, but also trying to provide 2 the service that was requested for us. 3 That's why we had kind of the information in 4 there about, if it wasn't a significant life safety 5 emergency, having people come out of the zone, if 6 possible, to provide their information, if they could. 7 And then if that wasn't, you know, critically thinking 8 of the ways that we could best respond to these service 9 calls. But yes, definitely concerns for residences, 10 businesses was something that was considered, and we 11 tried to work around that the best we could. 12 BY MR. WEAVER: 13 Q. So what were the concerns for residents and 14 businesses? 15 A. Well, we've had a -- to adjust our responses to 16 a certain area, so it's not situation as normal, where 17 we would just be able to get a call, evaluate, you know, 18 what was needed for the response, and then just go in 19 response. 20 Now we've got these extra circumstances of -- 21 within the red zone that we -- we have to be mindful of. 22 So I guess it's -- it's just not business as -- as 23 usual. Right. It's a significant change in things. 24 So that -- whenever there is a change, there's 25 some issues or situations that go along with that, that</p>	<p style="text-align: right;">Page 115</p> <p>1 BY MR. WEAVER: 2 Q. That your directive would. 3 MR. CRAMER: Same objection. 4 A. No. In that I felt that we would -- we still 5 had -- provided information on how we should respond to 6 the area, and again, that we would be continually 7 evaluating that as the circumstances changed. 8 It's not like we were just, you know, this was 9 the situation we had on June 9th, and then we -- that 10 was the only thing we considered in perpetuity. We were 11 evaluating it every day and trying to consider all the 12 concerns and issues that we could and address them the 13 best that we were able to. 14 BY MR. WEAVER: 15 Q. So were you -- were you concerned at all, when 16 you issued your directive on June 12th, that certain 17 crimes would not be sufficiently responded to either in 18 the red zone or in areas around the red zone? 19 A. We've got a situation outside of normal, so I 20 knew there would have to be some adjustments, but we 21 still had a commitment to responding certainly to 22 significant life safety events, and then investigating 23 other crimes as effectively as we could. 24 Q. Okay. So with regard to other crimes that were 25 not -- would not have been critical life safety</p>
<p style="text-align: right;">Page 114</p> <p>1 are different than what is normal and what had been 2 previous. 3 Q. Were you concerned that the result might be an 4 increase in crime in the area where there was a revised 5 response by the police? 6 A. I don't recall that being a consideration. I 7 think more what we were thinking about was the response 8 guidelines that we've been talking about. 9 Q. So can you elaborate a little bit more on what 10 your concerns were with regard to businesses and 11 residents and how this modified response might affect 12 them? 13 MR. CRAMER: Objection. Form. 14 A. Elaborate insofar as what? Anything in 15 specific? I mean, for me, it's just -- it's something 16 that's beyond the norm. It's beyond the usual that 17 we're having to adjust to. So that creates concerns or 18 contingencies that we have to consider. 19 BY MR. WEAVER: 20 Q. So were you concerned that it would have 21 impacts on residents or businesses in or near the area 22 that -- where there was a modified response? 23 MR. CRAMER: Objection to form. Vague. 24 A. That the area would or that our -- our -- the</p>	<p style="text-align: right;">Page 116</p> <p>1 emergencies or mass casualty events, how was the police 2 department responding to those requests or reports of 3 crime? 4 MR. CRAMER: Objection. Form. Vague as to 5 location. 6 A. Inside -- 7 BY MR. WEAVER: 8 Q. Within or near the red zone. 9 A. Right. 10 MR. CRAMER: Same objection. Compound. 11 A. The call would be taken and processed. And 12 again, the idea was to dispatch the call, but, if 13 possible, have the person meet us outside of the zone, 14 so officers wouldn't have to go in. If they couldn't do 15 that, then there were other alternative means. 16 If it was a -- not a life safety call, they 17 could do it if -- the person could make the report 18 online, or they could report it over the phone. Or if 19 they were able to get -- like I said, they could meet 20 with the officer in an area that was not directly inside 21 the impacted red -- red zone, as we called it. 22 BY MR. WEAVER: 23 Q. So people could either just make the report 24 on -- on the phone, online, or they could walk several 25 blocks to some area outside the red zone; is -- to make</p>

Hunters Capital, LLC v. City of Seattle

30(b)(6) Thomas Mahaffey

Page 117

1 a report in person; is that right?

2 MR. CRAMER: Objection. Misstates
3 testimony.4 A. I mean, they could come out of the red -- the
5 red zone however -- you know, if it was on foot, on a
6 bike, they were able to drive. I mean, however means or
7 conveyance they can get to meet with the officer, that
8 was the -- the way we were asking for these things to be
9 investigated and for people to meet up with us.

10 BY MR. WEAVER:

11 Q. So if somebody was raped, but it wasn't a
12 critical life safety emergency, that would be how the
13 report would be taken during this time period in June of
14 2020?15 A. Based on the circumstance we were -- we were
16 faced with, that would be the preferred way of handling
17 the investigation, yes.18 Q. So did you have -- did you have no concerns
19 that the directive that you issued with regard to the
20 red zone was going to have a -- the impact of increasing
21 crime in the area in and around the red zone?22 A. No, that's not accurate. I mean, I was -- I
23 had a lot of -- lot of concerns. This is a
24 significantly different way that we -- we had to
25 operate, and it was uncharted territory.

Page 119

1 else. This was guidelines for us internally within the
2 department, not meant for dissemination to anybody else.3 Q. Are you aware whether the information got out
4 to the public in general?

5 A. I'm not.

6 Q. Are you aware of whether 911 operators told
7 people that they would not be responding -- or that
8 police would not -- police and fire would not respond to
9 that area?

10 A. I am not aware of that in specifics, no.

11 MR. WEAVER: I'm going to drop Exhibit 13
12 into the chat as soon as I get it going here.

13 (Exhibit No. 13 marked.)

14 BY MR. WEAVER:

15 Q. I believe we talked before about who Deanna
16 Nollette is. She -- can you just remind me of what
17 department she was in charge of?18 A. She's the assistant chief of the investigations
19 bureau.20 Q. Okay. And it looks like Officer Nollette is
21 sending you a -- on June -- first of all, do you
22 remember this email?23 A. No. Not until I -- I've seen it since, but I
24 didn't remember it until I saw it, preparing for this
25 deposition.

Page 118

1 That's why we were constantly evaluating it.
2 And again, we were making plans, based on the
3 circumstances that we had, to still provide the services
4 in the best way that we could.5 Q. So let me ask it the other way. So were you
6 concerned, at the time you issued the directive, that
7 crime would increase in or around the red zone in June
8 of 2020?

9 MR. CRAMER: Objection. Form.

10 A. I didn't know. I think really the -- the main
11 concerns were safety of officers, again, preventing
12 confrontation and conflict, and trying to formulate a
13 response the best we could.14 I don't know if rising crime, especially in
15 those early days, were -- was a consideration at that
16 point. We just didn't know.

17 BY MR. WEAVER:

18 Q. Were you concerned, at that point that you
19 issued the directive, on June 12, 2020, that having a
20 red zone with modified response might attract certain
21 criminal elements who might appreciate the modified
22 response area?23 A. Well, this information was only supposed to be
24 internal into the department, so I didn't think about it
25 getting out to criminal -- criminal elements or anybody

Page 120

1 Q. Okay. So how often were you getting updates,
2 either from Ms. Nollette or the gang unit, about what
3 was going on in the area, in the red zone, in June of
4 2020?5 A. Specifically from Chief Nollette, not that
6 frequently, but she'd have people under her, in her
7 intel section, that would provide them.8 Q. Okay. Who were those people that were
9 providing information to you?10 A. The intelligence lieutenant at the time was
11 Grant Ballingham.12 Q. And would he communicate with you directly
13 about what was -- he was observing?14 A. Well, I don't know if it was directly
15 observing, but information that he had, yes. I mean, he
16 would -- he was our intelligence person that we relied
17 upon in the operations center when we were doing our
18 plans and looking at information and contingencies. He
19 would provide us with --20 Q. Okay. Some -- some of it may have been from
21 informants rather than his personal observations; is
22 that right?23 A. That's accurate, yes. And from people working
24 for him as well too, I would imagine.

25 THE COURT REPORTER: This is the court

30 (Pages 117 to 120)

Hunters Capital, LLC v. City of Seattle

30(b)(6) Thomas Mahaffey

Page 189

1 **incidents being brought to our attention"?**2 A. I'm wondering if that's referring -- and I'm
3 sorry; I'm looking down through these emails, if there's
4 anything specific incident-wise being mentioned in here.5 So the email from the end from Sergeant
6 Fiorini, who's bringing forth some calls, or a concern
7 to us that people were -- especially at night, were
8 trying to lure police into the area potentially by
9 calling in significant incidents.10 So I think Lieutenant -- or Sergeant Fiorini is
11 bringing that to our attention, and just that we have an
12 awareness of that, and then plan for that as a
13 contingency to deal with.14 **Q. What was your involvement, if anything, in the
15 operation on the morning of July 1, 2020, to clear the
16 protest area of people, barricades, and tents?**17 A. My involvement on that day is that I was the
18 overall incident commander for our response.19 **Q. Were you present on Capitol Hill for that?**20 A. Yes. I made a makeshift field command post at
21 the fire station that's roughly around about 13 or 14th
22 and Pine Street, Fire Station 25. That's where I was
23 located.24 **Q. And how many officers were involved in the
25 operation to clear the area?**

Page 190

1 A. A couple hundred officers.

2 **Q. Why was it determined that you should have 200
3 officers?**4 A. Well, first of all, it was the area that we had
5 to clear was fairly large, and it was kind of a
6 two-pronged approach. We had -- by that point we had a
7 lot of tents that had established in front of the
8 precincts, which we weren't sure of the exact amount
9 they were occupied. So that was phase one, so that was
10 going to require a significant amount of officers to
11 manage that.12 And then the second area or issue that we had
13 to address with -- was Cal Anderson, which had an
14 encampment established as well too, that had an unknown,
15 but we suspected a significant amount of people in it,
16 that would require a good deal of officers to deal with.17 So it was, again, just to manage those two
18 contingencies, and then just to have enough resources to
19 deal with this event and any eventualities that might
20 pop up. We just make sure we had enough people to deal
21 with things that we knew we would face and anything that
22 might pop up as a contingency.23 **Q. So was there a particular order or -- was there
24 a particular place in which the operation first started,
25 as far as police were concerned, in the area to -- to**

Page 191

1 **clear that area out first, or were they done
2 simultaneously?**3 A. The area in front of the precinct was the first
4 that we moved on, so that was the primary, but it was
5 fairly soon thereafter. Once we had started moving on
6 to the precinct, we had that stabilized, under control,
7 that we moved on to Cal Anderson.8 **Q. And how many people did you have to clear out
9 from the area around the East Precinct and in Cal
10 Anderson?**

11 MR. CRAMER: Objection. Form. Foundation.

12 A. Around the precinct specifically, I -- two,
13 three dozen is my recollection. More than that in Cal
14 Anderson, but I don't -- I don't recall what the
15 specific number was.

16 BY MR. WEAVER:

17 **Q. How long did the operation take for just
18 clearing the people out of that area?**19 MR. CRAMER: What area, Tyler? Both, or one
20 of the two?

21 MR. WEAVER: East Precinct and Cal Anderson.

22 A. I think the main portion of that operational
23 phase was done with -- within two hours.

24 BY MR. WEAVER:

25 **Q. And what was the next phase of the operation,**

Page 192

1 **from the police standpoint?**2 A. So then it was getting back into the building,
3 clearing out what needed to be cleared out from around
4 the building, include the tents, which I think the other
5 agency, I think it was Parks took care of, and then
6 removing the barricades from around the precinct, which
7 was SDOT's job with the heavy equipment, taking down
8 some of the -- we had put some fencing and boarding
9 around the precinct. I think we worked about taking
10 some of that down and getting back into the building.11 So it was doing all those logistical things,
12 and then the sustainment portion of it, because we did
13 the actual operation, I think we were on-site by 5:00 in
14 the morning.15 Most of the protest activities in early
16 June would happen in the evening, so the next phase of
17 the plan was preparing for that eventuality, that now
18 we'd moved back into the precinct, that there would be
19 protest activity directed at it later that night, so we
20 had other resources scheduled to come in later in the
21 day to manage that.22 **Q. So was there protest activity directed at the
23 East Precinct later that night, on the 1st?**24 A. There may have been, but not -- I don't
25 specifically recall if there was, and what our response

Hunters Capital, LLC v. City of Seattle

30(b)(6) Thomas Mahaffey

Page 193

1 was to it, if there was one.

2 **Q. To what extent was the police department**
 3 **providing backup or assistance to Seattle Public**
 4 **Utilities and the Department of Transportation in their**
 5 **job in clearing out barriers and tents from the area?**

6 A. We were there to provide security for them and
 7 safety for their employees, if they -- if they
 8 encountered any resistance or -- or aggressive action
 9 towards them.

10 **Q. How long did the process of clearing out the**
 11 **barriers and the tents and the materials in Cal Anderson**
 12 **Park take?**

13 MR. CRAMER: Objection. Foundation.

14 A. Yeah, I don't -- I don't remember specifically.
 15 I think it was several hours, if not a good portion of
 16 the day.

17 BY MR. WEAVER:

18 **Q. So were -- were -- were your officers involved**
 19 **with or were you aware of what was going on with regard**
 20 **to restoration of things in Cal Anderson Park?**

21 A. No. That was not part of our responsibility.

22 **Q. So is it the case that under the mayor's order,**
 23 **that the streets around the area of Cal Anderson and the**
 24 **East Precinct were -- for a period of several days,**
 25 **there was limited access enforced by the police**

Page 194

1 **department?**

2 A. Is that written in her order or is that the
 3 result of it? I'm trying to clarify --

4 **Q. Well, in the days following the clear-out on**
 5 **July 1st, was there a police presence in the streets and**
 6 **sidewalks around Cal Anderson and the East Precinct to**
 7 **restrict access to that area?**

8 A. I don't know. I know -- and I don't remember
 9 if it was for this one, in December, that we were trying
 10 to sustain the park, to not allow the encampment to
 11 reconstitute, but I don't think that involved blocking
 12 the streets.

13 **Q. What was being done to prevent re-encampment of**
 14 **Cal Anderson Park in July 2020?**

15 A. Just July 1, I think, while the workers were
 16 there and clearing it out, and maybe for a time after
 17 they had left, a short time, there was a police presence
 18 there. It didn't -- it didn't go on for the entire
 19 month.

20 **Q. Were you in the area beyond July 1, 2020,**
 21 **overseeing it as the incident commander?**

22 A. I don't think I was reassigned as a commander
 23 after July 1st. I don't recall exactly what our
 24 deployment posture was. We were back in the precinct,
 25 so Captain Grenon would have control over the East

Page 195

1 **Precinct area, so he would be responsible for that.**

2 I don't know if we set up a more formalized
 3 structure or not. I don't believe we did, though,
 4 after --

5 **Q. Do you recall whether you were personally in**
 6 **the area after July 1, 2020?**

7 A. Occasionally I'd go up there, but I didn't have
 8 a regular scheduled presence, no.

9 **Q. Did you walk -- now, you were stationed at the**
 10 **fire department station somewhat near the East Precinct.**
 11 **Am I correct, that's -- that's the fire station you're**
 12 **talking about?**

13 A. Yes.

14 **Q. At any point did you walk around the area that**
 15 **had been occupied and had the barricades and the people**
 16 **in it, after it had been cleared?**

17 A. Yeah, I walked down to the area in front of the
 18 precinct, and I went inside the precinct.

19 **Q. Did you walk anywhere other than right by the**
 20 **precinct?**

21 A. If I did, I don't remember. I don't think I
 22 did, but I don't recall. I do recall specifically being
 23 in front of and going inside the precinct.

24 **Q. What do you -- what do you recall seeing around**
 25 **the exterior of the precinct when you approached it?**

Page 196

1 A. There were some barricades. There were tents
 2 there being removed. 12th Avenue, there were some
 3 portable toilets that had been knocked over during our
 4 operation. That's what I remember from the outside.

5 And then going inside the precinct and walking
 6 around in there, seeing what kind of the situation was
 7 in there. I don't remember any -- nothing significant
 8 stood out, as far as there being any damage in the
 9 precinct, but there was just a lot of the things that we
 10 had left behind when we'd been in there that were kind
 11 of scattered about in various places.

12 **Q. Do you recall speaking to any residents or**
 13 **business owners or workers in the area around the East**
 14 **Precinct on July 1, 2020?**

15 A. I don't.

16 **Q. Do you have any knowledge of Carmen Best's**
 17 **cellphone and the lack of texts on that cellphone prior**
 18 **to June -- September 2, 2020?**

19 A. I don't.

20 MR. WEAVER: I don't have any other
 21 questions, unless Shane has questions for you that I
 22 need to follow up on.

23 MR. CRAMER: I do not. So we'll reserve
 24 signature if we're done.

25 THE VIDEOGRAPHER: This deposition is

Hunters Capital, LLC v. City of Seattle

30(b)(6) Thomas Mahaffey

Page 197

1 adjourned at 3:40.
 2 (Deposition concluded at 3:40 p.m.)
 3 (Reading and signing was requested
 4 pursuant to FRCP Rule 30(e).)
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Page 198

1 C E R T I F I C A T E

2
3 STATE OF WASHINGTON
4 COUNTY OF PIERCE

5 I, Cindy M. Koch, a Certified Court Reporter in
 6 and for the State of Washington, do hereby certify that
 7 the foregoing transcript of the deposition of Thomas
 8 Mahaffey, having been duly sworn, on January 26, 2022,
 9 is true and accurate to the best of my knowledge, skill
 10 and ability.

11 IN WITNESS WHEREOF, I have hereunto set my hand
 12 and seal this 2nd day of February, 2022.



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18 CINDY M. KOCH, CCR, RPR, CRR
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My commission expires:
JUNE 9, 2022